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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,258

12/11/2001

Nevenka Dimitrova

US010512

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04/22/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

04/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/014,258	Applicant(s) DIMITROVA ET AL.	
	Examiner FARZANA E. HOSSAIN	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-5,9-20,23-28.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Claims 1, 15, 28, the applicant makes similar arguments as those filed on 11/27/2007. The applicant argues that Huber does not disclose "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" (Page 12). The applicant argues that Huber's system includes a broadcaster acting on behalf of seller to prepare the content and not on behalf of the consumer (Page 13). The applicant points to the Page 1, paragraphs 0008-0009 of Huber to illustrate the point that Huber does not meet the limitation (Page 14-15).

In response to the applicant, the applicant is arguing elements found in the applicant's specification. Huber discloses performing a search to identify data related to the selected product including at least one source including a supplier retailer, dealer, manufacturer or advertiser not associated with the broadcaster (Page 1, paragraphs 0008, 0009, Page 2, paragraphs 0012, 0013, 0015, Pages 3-4, paragraphs 0020, 0032, 0035). Huber discloses that the user receives broadcast signals containing advertising messages from a television station, cable operator, Internet service provider or other broadcast source. Huber discloses that a user can select hotspots for information about the advertising messages detailing a dealer, vendor, manufacturer or retailer (above listed paragraphs) and that a user can have preference information to specify the suppliers (Page 2, paragraph 0019). Huber discloses an invention to match products to customer preference information so that customer responds to the advertisement (Pages 3-4, paragraph 0032). Therefore, whether a broadcast facility prepares the content or not, the user can have preference information for dealers, vendors, retailers, manufacturers or suppliers which is not associated with the source of the video or television station, cable operator, Internet service provider or other broadcast source. The retailers, vendors, manufacturers and suppliers are not associated with the broadcast facility as they provide the merchandise or information about the merchandise. The applicant argues that they have support for a source not associated with a source of the video program by pointing to the background information and that data casting systems that prepare content for advertisers.

Huber clearly meets these limitations as the consumer's preferences are taken into account for the product information. The applicant points to two of the paragraphs that may not encompass all the information provided by the examiner to find this limitation. Customer preference is used to determine a source of a product that is not associated with the broadcaster. The applicant's arguments are not persuasive.

Finally, if the applicant wants the invention is for benefit of the consumer not the advertiser, then the applicant should place this information in the claim limitations. The examiner has provided support for all the claim limitations.